

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re Application of  
  
HCS Beteiligungsgesellschaft mbH,  
  
Petitioner, for an Order pursuant to 28 U.S.C.  
§ 1782 to Conduct Discovery for Use in a Foreign  
Proceeding.

Case No. 3:22-MC-00101-M

**PETITIONER'S NOTICE OF VOLUNTARY WITHDRAWAL WITHOUT PREJUDICE  
OF APPLICATION FOR DISCOVERY FOR USE IN FOREIGN PROCEEDING**

WHEREAS, Petitioner HCS Beteiligungsgesellschaft mbH (“HCS” or “Petitioner”) filed this Application for an Order pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding (“Application”);

WHEREAS, on March 16, 2023, Respondent Ruben King-Shaw Junior filed a Motion to Quash the Subpoena, raising, among other things, Respondent’s present health condition, including that “King-Shaw’s impending heart condition, forthcoming amputation, and required home recovery make it even more burdensome for him to comply with the Subpoenas,” ECF No. 14 at 6–7;

WHEREAS, Respondent Ruben King-Shaw Junior expects to not be able to be deposed or participate in the litigation until after April 15, 2023, or later, ECF No. 15, App. at 15 (King-Shaw Declaration ¶ 22);

WHEREAS, Petitioner contacted counsel for Respondent to propose a stay of the proceeding until Respondent has recovered and, therefore, is able to participate in the Proceeding but not receive a response as of the time of this filing;

WHEREAS, to conserve the resources of the parties and the Court, Petitioner intends to refile the Application at a later date once Respondent Ruben King-Shaw Junior's health conditions improve;

THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Petitioner hereby withdraws the Application and discontinues this action against Respondent, in each instance without prejudice, and without costs to either party.

Dated: March 23, 2023

/s/ John P. Lewis, Jr.

John P. Lewis, Jr.

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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 23, 2023, he served a true and correct copy of the foregoing *Notice of Withdrawal* by electronic service and/or email attachment on (a) Elizabeth Raines, Esq., Thompson Coe Cousins & Irons, LLP, 700 N. Pearl Street, Twenty-Fifth Floor Dallas, Texas 75201-2832, Attorneys for Intervenor, Partex, and (b) Amy M. Stewart, Esq., One Arts Plaza, 1722 Routh St., Suite 745, Dallas, Texas 7520, Attorneys for Respondent, Ruben King-Shaw, Jr.

/s/ John P. Lewis, Jr.  
John P. Lewis, Jr.